

Indiana Professional Licensing Agency
Indiana Board of Chiropractic Examiners
2005 Edition

Chiropractic Statute
(IC 25-10)

Chiropractic Rules
(Title 846)

Health Professions Standards of Practice
(IC 25-1-9)

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ARTICLE 10. CHIROPRACTORS

This is an UNOFFICIAL version of the Indiana Board of Chiropractic Examiners statute prepared by the Indiana Professional Licensing Agency. An official version of the code should be available through your public library and can be accessed on the Internet at www.in.gov/legislative/ic/code/title25/ar10/.

10/2005

Chapter

1. Regulation of Chiropractors – Creation of Board
2. Chiropractic Management Consultants

Chapter 1. Regulation of Chiropractors -- Creation of Board

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IC 25-10-1-1 Definitions

Sec. 1. As used in this article:

(1) "Chiropractic" means the diagnosis and analysis of any interference with normal nerve transmission and expression, the procedure preparatory to and complementary to the correction thereof by an adjustment of the articulations of the vertebral column, its immediate articulation, and includes other incidental means of adjustments of the spinal column and the practice of drugless therapeutics. However, chiropractic does not include any of the following:

- (A) prescription or administration of legend drugs or other controlled substances;
- (B) performing of incisive surgery or internal or external cauterization;
- (C) penetration of the skin with a needle or other instrument for any purpose except for the purpose of blood analysis;
- (D) use of colonic irrigations, plasmatics, ionizing radiation therapy, or radionics;
- (E) conducting invasive diagnostic tests or analysis of body fluids except for urinalysis;
- (F) the taking of x-rays of any organ other than the vertebral column and extremities; and
- (G) the treatment or attempt to treat infectious diseases, endocrine disorders, or atypical or abnormal histology.

(2) "Chiropractor" means any person who is qualified under this chapter to practice the science of chiropractic.

(3) "Board" means the board of chiropractic examiners under section 1.5 of this chapter.

(4) "Bureau" means the health professions bureau under IC 25-1-5.

(Formerly: Acts 1955, c. 42, s. 1.) As amended by Acts 1981, P.L.222, SEC.74; P.L.169-1985, SEC.33.

IC 25-10-1-1.5 Board of chiropractic examiners; creation; appointment of members; tenure powers and duties; expenses

Sec. 1.5. (a) There is created a board of chiropractic examiners. The board shall consist of seven (7) members appointed by the governor, not more than four (4) of whom may be affiliated with the same political party. Six (6) of the board members must be licensed under this chapter and must have had at least five (5) years of experience as a chiropractor prior to their appointment. One (1) member is to represent the general public and must be:

- (1) a resident of this state; and
- (2) in no way associated with the profession of chiropractic other than as a consumer.

(b) All members shall be appointed for a term of three (3) years and serve until their successors are appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. Each appointed member shall serve for the unexpired term of the vacating member.

(c) The members of the board are entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Members are also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. The officers serve for a term of one (1) year. The board shall meet at least once each year and on other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum for the transaction of business. All decisions are required to be made by a majority vote of the quorum.

(e) The bureau shall provide a secretary of the board and other personnel necessary for the proper performance of the board's duties and responsibilities under this chapter. The board, through the bureau, shall receive and account for all money collected under this chapter and pay the money to the treasurer of state to be deposited by the treasurer in the general fund of the state.

(f) The board may do the following:

- (1) Establish reasonable application, examination, and renewal procedures for certification under this chapter.
- (2) Use an examination under this chapter that is designed by the board, designed by another person, or designed in part by the board and in part by another person.
- (3) Conduct in the manner prescribed by the board examinations of applicants for certification under this chapter. The board may conduct any part of the examinations through a person other than the bureau who is approved by the board. The bureau may conduct any part of the examinations under IC 25-1-5-4.
- (4) Issue, deny, suspend, revoke, and renew certificates.
- (5) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals certified or not certified under this chapter, concerning alleged violation of this chapter with hearings to be conducted in accordance with IC 4-21.5.
- (6) Initiate the prosecution and enjoinder of a person violating this chapter.
- (7) Adopt rules necessary for the proper performance of the board's duties, in accordance with IC 4-22-2.
- (8) Maintain a current list of individuals certified under this chapter.
- (9) Establish a code of professional conduct.
- (10) Adopt rules under IC 4-22-2 to allow chiropractors licensed under this chapter to delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column under section 14(c)(4) of this chapter.
- (11) Adopt rules under IC 4-22-2 establishing standards for the registration and regulation of chiropractic management consultants (as defined by the board under IC 25-10-2).
- (12) Set fees for the annual registration of a chiropractic management consultant under IC 25-10-2.

(g) The board shall adopt rules establishing standards for the competent practice of the science of the chiropractic in accordance with IC 4-22-2.

(h) All expenses incurred in the administration of this chapter shall be paid from the state general fund upon appropriation being made in the manner provided by law for the making of appropriations.

As added by Acts 1981, P.L.222, SEC.103. Amended by P.L.169-1985, SEC.34; P.L.149-1987, SEC.23; P.L.152-1988, SEC.7; P.L.235-1989, SEC.1; P.L.33-1993, SEC.24; P.L.125-1994, SEC.1.

IC 25-10-1-2 Requirements for licensure

Sec. 2. (a) A person who is at least eighteen (18) years of age and who has not been convicted of a crime that has a direct bearing on the person's ability to practice competently is eligible to be licensed to practice chiropractic in Indiana if the person is a graduate of an incorporated chiropractic school or college incorporated for the purpose of teaching the science of chiropractic. The school or college must meet the reasonable requirements of the board and must be accredited by the Accreditation Commission of the Council on Chiropractic Education during the applicant's attendance at the accredited school or college. The board may not discriminate against a chiropractic school or college that meets these requirements.

(b) In addition to the requirements in subsection (a), an applicant for a license to practice chiropractic must have completed at least two (2) years (sixty (60) semester hours) of education in a college or university of learning accredited by an accrediting agency that has been approved by the United States Department of Education before the applicant's training and education in a chiropractic school or college.

(Formerly: Acts 1955, c.42, s.2; Acts 1973, P.L.252, SEC.6.) As amended by Acts 1981, P.L.222, SEC.104; Acts 1982, P.L.113, SEC.45; P.L.169-1985, SEC.35; P.L.149-1987, SEC.24; P.L.152-1988, SEC.6; P.L.235-1989, SEC.2; P.L.186-1990, SEC.8; P.L.33-1993, SEC.18; P.L.234-1995, SEC.16.

IC 25-10-1-3 Examinations

Sec. 3. (a) All examinations of applicants for a license to practice chiropractic shall be held at the times and places as the board shall direct. The application for a license shall be accompanied by an examination fee established by the board.

(b) Any applicant failing in any examination and being refused a license shall be entitled to take a subsequent examination upon the payment of an additional examination fee fixed by the board. An applicant failing in any examination shall be entitled to take a subsequent examination at the next regular examination. *(Formerly: Acts 1955, c.42, s.3.) As amended by Acts 1981, P.L.222, SEC.105; P.L.152-1988, SEC.8.*

IC 25-10-1-4 Waiver of educational requirements; examinations

Sec. 4. Applicants who are and have been residents of the state of Indiana and who have practiced chiropractic in the state of Indiana for at least one (1) year immediately prior to December 1, 1954, shall be exempted from the educational requirements as provided by this

chapter: provided, that application for a license and examination shall be made within sixty (60) days after March 4, 1955. All such applicants shall be given an examination in accordance with the provisions of this chapter, to determine their ability to practice chiropractic. Such applicants shall not be discriminated against by the board for their participation in any legal proceedings brought under the provisions of the former Indiana Medical Practice Act, (Acts 1897, c.169, as amended) where the primary issue was the practicing of chiropractic, as defined in this chapter, without having a license to practice medicine. Such applications shall be accompanied by the affidavits of two (2) freeholders stating therein that the applicant has practiced chiropractic in this state for a period of at least one (1) year prior to December 1, 1954.

(Formerly: Acts 1955, c.42, s.4.) As amended by Acts 1982, P.L.154, SEC.37.

IC 25-10-1-5 License by reciprocity

Sec. 5. Any applicant may, upon the payment of a fee established by the board, be granted a license, without an examination, providing that the applicant submits satisfactory evidence to the board that the applicant has been licensed to practice chiropractic in another state for at least three (3) years under qualifications substantially equivalent to those specified in this chapter for a license to practice chiropractic. *(Formerly: Acts 1955, c.42, s.5.) As amended by Acts 1981, P.L.222, SEC.106; P.L.234-1995, SEC.17.*

IC 25-10-1-5.5 Temporary permits for chiropractic school graduates

Sec. 5.5. (a) The board may issue a temporary permit to a graduate of a chiropractic school to manually manipulate, manually adjust, or manually mobilize the spinal column or vertebral column of an individual if the graduate applying for the permit is:

- (1) qualified to become a licensed chiropractor by examination; and

- (2) employed by and under the direct supervision of a chiropractor licensed under this chapter.
 - (b) A temporary permit issued under this section expires on the day after the board releases the results of the next examination given by the board.
 - (c) The board may not issue a temporary permit under this section to an individual who has failed an examination under this chapter.
- As added by P.L.235-1989, SEC.3.*

IC 25-10-1-5.6 Persons licensed in other jurisdictions, temporary permits

Sec. 5.6. A person who:

- (1) is licensed to practice chiropractic by a board or licensing agency of another state or jurisdiction; and
 - (2) meets the requirements established by the board under section 1.5 of this chapter;
- may be issued a temporary permit limited by terms and conditions considered appropriate by the board. A temporary permit issued under this section is valid for a nonrenewable period of not more than thirty (30) days.

As added by P.L.48-1991, SEC.22.

IC 25-10-1-6 Renewal of licenses; fee; display; retirement of chiropractor; inactive license; discipline

Sec. 6. (a) A license issued under this chapter is valid until the next renewal date described under subsection (b).

(b) All licenses issued by the board shall be subject to renewal on July 1 in each even-numbered year. A renewal license fee established by the board shall be paid before July 1 in each even-numbered year to the board, and if not paid on or before that date, the license expires and becomes invalid without any action taken by the board. A new license may be issued only upon application and the payment of a fee established by the board. All licenses shall be displayed in the office or the place of practice of the licensee.

(c) Each applicant for renewal shall furnish evidence of attendance during each preceding licensing year at not less than one (1) chiropractic educational conference or seminar approved by the board. The conference or seminar may be conducted by an established chiropractic organization or college. This requirement does not apply to the applicant's first licensing year. If an applicant fails to comply with this subsection, the applicant's license expires and becomes invalid at midnight of the renewal date and may be reinstated only upon application and the payment of a fee established by the board and proper showing to the board that there has been a makeup by the applicant of the omitted educational work.

(d) Any chiropractor licensed to practice chiropractic in this state who intends to retire from practice shall notify the board in writing of the chiropractor's intention to retire and shall surrender the license to the board. Upon receipt of this notice and license, the board shall record the fact that the chiropractor is retired and excuse the person from further payment of license renewal fees and attendance at license renewal seminars. If any chiropractor surrenders the license to practice chiropractic in this state, the chiropractor's reinstatement may be considered by the board on the chiropractor's written request. If any disciplinary proceedings under this chapter are pending against a chiropractor, the chiropractor may not surrender the license without the written approval of the board.

(e) Any chiropractor licensed to practice chiropractic in this state who intends to become inactive in the practice of chiropractic shall notify the board in writing that the chiropractor will not maintain an office or practice chiropractic in Indiana. The board shall then classify the chiropractor's license as inactive. The renewal fee of the inactive license is one-half (1/2) of the license renewal fee, and the chiropractor shall not be required to attend license renewal seminars. If a chiropractor holding an inactive license intends to maintain an office

or practice chiropractic, the chiropractor shall notify the board of that intent. The board may reinstate that chiropractor's license upon notification and receipt of:

- (1) an application;
- (2) payment of the current renewal fee;
- (3) payment of the current reinstatement fee; and
- (4) evidence of attendance of one (1) educational conference approved by the board for each year or portion of a year of inactive license classification.

(f) The board shall discipline a practitioner of the chiropractic in accordance with IC 25-1-9.

(Formerly: Acts 1955, c.42, s.6; Acts 1963, c.366, s.2; Acts 1965, c.44, s.1.) As amended by Acts 1977, P.L.172, SEC.9; Acts 1981, P.L.222, SEC.107; P.L.169-1985, SEC.36; P.L.149-1987, SEC.25; P.L.152-1988, SEC.9; P.L.48-1991, SEC.23.

IC 25-10-1-6.5 Repealed

(Repealed by P.L.152-1988, SEC.30.)

IC 25-10-1-7 Service in Armed Forces disrupting chiropractic education

Sec. 7. Any applicant for a license to practice chiropractic who is a graduate of a legally incorporated chiropractic school, institution or college, and who can produce satisfactory evidence to the board that his chiropractic education was interrupted by reason of his induction or enlistment into the active armed forces of the United States and that he received an honorable discharge from such forces, shall be entitled to have his date of graduation determined as if he had completed his course of study in chiropractic without such interruption.

(Formerly: Acts 1955, c.42, s.7.)

IC 25-10-1-8 Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-10-1-9 Rights of practitioner holding license under article governing practice of medicine

Sec. 9. Nothing in this chapter shall in any manner repeal, modify, or change any right, privilege, authority or license granted a practitioner of chiropractic holding a license under IC 25-22.5.

(Formerly: Acts 1955, c.42, s.10.) As amended by Acts 1982, P.L.154, SEC.38.

IC 25-10-1-10 Fees; use and disposition

Sec. 10. All fees collected under this chapter shall be deposited in the general fund of this state and shall be paid out only by warrant of the auditor of state, upon the treasurer of state. All money appropriated to the board shall be used for the purpose of administering this chapter and may not be used for any other purposes.

(Formerly: Acts 1955, c.42, s.11.) As amended by Acts 1982, P.L.154, SEC.39; P.L.169-1985, SEC.38.

IC 25-10-1-11 Necessity of license; violations

Sec. 11. (a) No person may practice chiropractic or hold out as a chiropractor without a license to practice chiropractic in Indiana.

(b) A person who violates this chapter commits a Class A misdemeanor.

(Formerly: Acts 1955, c.42, s.12.) As amended by Acts 1978, P.L.2, SEC.2524; P.L.234-1995, SEC.18.

IC 25-10-1-12 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-10-1-13 Employees; act, duty or function

Sec. 13. (a) Subject to subsection (b), an employee of a chiropractor licensed under this article may perform an act, duty, or function that is within the specific scope of practice of the employing chiropractor, if the act, duty, or function is:

- (1) performed under the direction and supervision of the employing chiropractor; and
- (2) reported to the employing chiropractor.

(b) An employee of a chiropractor who is not licensed as a chiropractor or a physician may not:

- (1) make a diagnosis or prescribe a treatment; or
- (2) manipulate, adjust, or mobilize the spinal column or vertebral column of an individual.

(c) This section does not grant the employee of a chiropractor independent practitioner status or the authority to perform patient services in an independent practice.
As added by P.L.244-1985, SEC.1.

IC 25-10-1-14 Necessity of license; Injunction or order; physical therapists

Sec. 14. (a) This section applies to all persons, including persons listed in IC 25-22.5-1-2.

(b) A person may manually manipulate, manually adjust, or manually mobilize the spinal column or the vertebral column of an individual only if the person is:

- (1) a chiropractor who has been issued a license under this chapter;
- (2) a physician who has been issued an unlimited license to practice medicine under IC 25-22.5; or
- (3) an osteopathic physician who has been issued a license to practice osteopathic medicine under IC 25-22.5.

(c) A person may not delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column of an individual to another person, unless the other person is:

- (1) licensed as a chiropractor under this chapter;
- (2) licensed as a physician with an unlimited license to practice medicine under IC 25-22.5;
- (3) licensed as an osteopathic physician with a license to practice osteopathic medicine under IC 25-22.5;
- (4) a student in the final year of course work at an accredited chiropractic school participating in a preceptorship program and working under the direct supervision of a chiropractor licensed under this chapter; or
- (5) a graduate of a chiropractic school who holds a valid temporary permit issued under section 5.5 of this chapter.

(d) If a violation of subsection (b) or (c) is being committed:

- (1) the board in its own name;
- (2) the board in the name of the state; or
- (3) the prosecuting attorney of the county in which the violation occurs, at the request of the board and in the name of the state;

may apply for an order enjoining the violation from the circuit court of the county in which the violation occurs.

(e) Upon a showing that a person has violated subsection (b) or (c), the court may grant without bond an injunction, a restraining order, or other appropriate order.

(f) This section does not apply to a physical therapist practicing under IC 25-27. However, a physical therapist may not practice chiropractic (as defined in IC 25-10-1-1) or medicine (as defined in IC 25-22.5-1-1.1) unless licensed to do so.

As added by P.L.245-1985, SEC.1. Amended by P.L.235-1989, SEC.4; P.L.33-1993, SEC.19.

IC 25-10-1-15 Admissibility of testimony regarding physician records or reports

Sec. 15. In any legal proceeding, a chiropractor's testimony relating to records or reports of a licensed physician may be admissible as evidence in the legal proceeding if the:

- (1) chiropractor is qualified as an expert by the chiropractor's knowledge, skill, experience, training, or education; and
- (2) court is satisfied that the information is of the type reasonably relied upon by other chiropractors.

As added by P.L.180-1997, SEC.1.

Chapter 2. Chiropractic Management Consultants

Section

25-10-2-1	"Chiropractic management consultant" defined
25-10-2-2	Board powers; rules; registration fees
25-10-2-3	Rules for registration and regulation; inclusions
25-10-2-4	Registration forms
25-10-2-5	Registration fee

IC 25-10-2-1 "Chiropractic management consultant" defined

Sec. 1. As used in this chapter, "chiropractic management consultant" means any person doing business in Indiana for the purpose of offering consulting services to chiropractors regarding the administration and operation of their practice. The term does not include persons engaged in the medical claims review under IC 27-8-16 or utilization review under IC 27-8-17

As added by P.L.33-1993, SEC.25.

IC 25-10-2-2 Board powers; rules; registration fees

Sec. 2. The board shall:

- (1) establish rules for the registration and regulation of a chiropractic management consultant; and
- (2) establish a registration fee to be paid annually by a chiropractic management consultant.

As added by P.L.33-1993, SEC.25.

IC 25-10-2-3 Rules for registration and regulation; inclusions

Sec. 3. Rules adopted under section 2(1) of this chapter shall include the regulation of advice on advertising, promotions, office management, fraudulent or misleading billing practices, and practice building regarding patient volume.

As added by P.L.33-1993, SEC.25.

IC 25-10-2-4 Registration forms

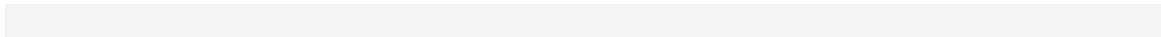
Sec. 4. If rules are established under section 2 of this chapter, a chiropractic management consultant must file an annual registration with the board on a form approved by the board.

As added by P.L.33-1993, SEC.25.

IC 25-10-2-5 Registration fee

Sec. 5. If a registration fee is set under section 2 of this chapter, a chiropractic management consultant must pay an annual registration fee in the amount set by the board under section 2 of this chapter.

As added by P.L.33-1993, SEC.25.



TITLE 846
BOARD OF CHIROPRACTIC EXAMINERS

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ARTICLE 1. GENERAL PROVISIONS

ARTICLE 1. GENERAL PROVISIONS

- Rule 1. Board of Chiropractic Examiners, Meetings, Duties
- Rule 2. Educational Standards
- Rule 3. Scope of Practice; Standards for Competent Practice; Code of Professional Conduct
- Rule 4. Examinations; Licensure; Renewal of Licenses; Fees; Addresses of Licensees
- Rule 5. Application for License by Examination
- Rule 6. Application for License by Endorsement
- Rule 7. X-Ray Utilization
- Rule 8. Continuing Education for Renewal of License
- Rule 9. Temporary Permits
- Rule 10. Graduate Students

Rule 1. Board of Chiropractic Examiners, Meetings, Duties

- 846 IAC 1-1-1 Board of chiropractic examiners *(Repealed)*
- 846 IAC 1-1-2 Officers of the board
- 846 IAC 1-1-3 Meetings of the board
- 846 IAC 1-1-4 Powers and duties of the board *(Repealed)*

846 IAC 1-1-1 Board of chiropractic examiners *(Repealed)*

Sec. 1. *(Repealed by Board of Chiropractic Examiners; filed Mar 8, 1989, 10:00 a.m.: 12 IR 1553)*

846 IAC 1-1-2 Officers of the board

Authority: IC 25-10-1-1.5
Affected: IC 25-10-1

Sec. 2. (a) The election of officers provided under IC 25-10-1-1.5(b) shall take place at the annual meeting of the board in each year.

(b) The chairman's duties shall be to preside over all meetings of the board. In the absence of the chairman, the vice chairman shall act in the chairman's place during the duration of the chairman's absence. *(Board of Chiropractic Examiners; 846 IAC 1-1-2; filed Jul 28, 1983, 9:03 a.m.: 6 IR 1739; filed Mar 8, 1989, 10:00 a.m.: 12 IR 1553; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)*

846 IAC 1-1-3 Meetings of the board

Authority: IC 25-10-1-1.5
Affected: IC 5-14-1.5-5; IC 25-10-1-1.5

Sec. 3. (a) The annual meeting of the board provided under IC 25-10-1-1.5(b) shall be held in Indianapolis, Indiana in July of each year.

(b) At all meetings of the board anyone not a member of the board will be prohibited from entering into discussion with the board unless invited by the board, or unless said person has requested and received permission to enter into discussion with the board. Such request must be in writing to the chairman of the board and will state the nature of the business to be discussed. The date, time, and place of such discussion will be at the discretion of the chairman. The secretary of the board shall give such person(s) prior notification as to date, time, and place of such meeting. *(Board of Chiropractic Examiners; 846 IAC 1-1-3; filed Jul 28, 1983, 9:03 a.m.: 6 IR 1739; filed Mar 8, 1989, 10:00 a.m.: 12 IR 1553; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)*

846 IAC 1-1-4 Powers and duties of the board *(Repealed)*

Rule 2. Educational Standards

846 IAC 1-2-1 Objective and educational standards required of applicants for licensure

846 IAC 1-2-1 Objective and educational standards required of applicants for licensure

Authority: IC 25-10-1-1.5

Affected: IC 4-21.5; IC 25-10-1-2

Sec. 1. (a) It shall be the objective of a chiropractic college approved by the board to prepare the doctor of chiropractic as a primary health care provider; as a portal of entry to the health delivery system; to be well-educated to examine, diagnose, and assume responsibility for the care of patients; to care for the human body in health and disease; to consult with or refer to, other health care providers; and to develop postgraduate education and research.

(b) Professional standards for licensure. Every applicant shall be a graduate of a chiropractic school or college:

(1) which is accredited by an accrediting agency that has been approved by the United States Office of Education or its successor to accredit chiropractic schools or colleges; and

(2) which requires for graduation resident attendance instruction of at least four thousand hours distributed over a minimum period of eight semesters or the equivalent; and

(3) which has a curriculum including at least the following disciplines: human anatomy; biochemistry; physiology; microbiology; pathology; public health; physical, clinical and laboratory diagnosis; gynecology; obstetrics; pediatrics; geriatrics; dermatology; otolaryngology; roentgenology; psychology; dietetics; orthopedics; rehabilitative procedures: including physiological therapeutics and/or ancillary therapeutics; first aid and emergency procedures; spinal analysis; principles and practice of chiropractic; adjustive technique of the articulations and adjacent tissues of the body, including but not limited to, the spine, cranium, and extremities and adjacent tissues.

(c) Pre-professional requirements. Every applicant shall have completed at least two (2) years (sixty (60) semester hours) education in a college or university of learning accredited to grant a degree of bachelor of arts or bachelor of science, prior to his or her training and education in a school or college of chiropractic. (Board of Chiropractic Examiners; 846 IAC 1-2-1; filed Jul 28, 1983, 9:03 am: 6 IR 1740; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)

Rule 3. Scope of Practice; Standards for Competent Practice; Code of Professional Conduct

846 IAC 1-3-1 Scope of practice; diagnostic, treatment procedures

846 IAC 1-3-2 Code of professional conduct

846 IAC 1-3-3 Standards for competent practice

846 IAC 1-3-4 Disciplinary sanctions (Repealed)

846 IAC 1-3-1 Scope of practice; diagnostic, treatment procedures

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-1

Sec. 1. (a) The practice of chiropractic will include and permit the use of such diagnostic and treatment procedures as are taught by board approved chiropractic colleges except as prohibited by law and/or the rules and regulations of this board.

(b) In the conduct of the practice of chiropractic no chiropractor shall perform any service that is beyond the scope of his education, training, and experience.

(c) The exclusion set out in subsection (1)(E) of IC 25-10-1-1 shall mean only the introducing of contrast medias into the blood-vascular system, but shall not include doppler examinations, electromyograms with surface electrodes, electrocardiograms, endocardiograms, echocardiograms, thermography, moire photography, blood analyses, or any other diagnostic test which a chiropractor may require to prepare a proper diagnosis of a patient in his/her practice of chiropractic. (Board of Chiropractic Examiners; 846 IAC 1-3-1; filed Jul 28, 1983, 9:03 am: 6 IR 1741; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)

846 IAC 1-3-2 Code of professional conduct

Authority: IC 25-10-1-1.5

Affected: IC 25-1-9-6.5; IC 25-10-1-1

Sec. 2. (a) Chiropractors practicing in Indiana shall conduct their practice of chiropractic in accordance with the standards set out in IC 25-10 and this title.

(b) No person holding a license to practice chiropractic shall conduct such practice under any name other than his or her own unless practicing as an employee of a clinic, center, or institution.

(c) To designate that they are licensed to practice chiropractic in Indiana, all licensees practicing chiropractic in Indiana shall use, in conjunction with their names, the words "chiropractic", "chiropractor", or the abbreviation "D.C." alone or in connection with other words, on all signs, letterheads, business cards, or similar items of identification, advertising, and solicitation of any kind. Provided, however, chiropractors may not use any words which would mislead the public into believing they are licensed in Indiana to practice any other licensed occupation or profession for which they do not hold an Indiana license.

(d) Any identification using the word "clinic", "center", "corporation", or terms of similar import that is solely concerned with the practice of chiropractic, shall also designate that it is a chiropractic facility. Any licensee practicing in a multiple professional health care facility shall prominently display in the facility the fact that he or she is engaged in the practice of chiropractic.

(e) Every licensee practicing in Indiana shall publicly and prominently display the license issued him or her by the board or a photostatic copy thereof in all offices, clinics, corporations, centers, and/or similar places of business wherein he or she is practicing.

(f) In the conduct of practice, no person holding a license to practice chiropractic shall engage in advertising or soliciting for patronage that which is not in the public interest. Advertising or soliciting not in the public interest shall include advertising that:

- (1) is false, fraudulent, deceptive, or misleading;
- (2) represents intimidation or undue pressure; or
- (3) makes claims of professional superiority over fellow practitioners or over another health science which cannot be substantiated.

(g) It shall be considered unprofessional or unethical conduct and grounds for discipline if any licensee:

- (1) obtains a fee by fraud or deceit;
- (2) discloses, without authorization, any information about a patient revealed or discovered during the course of treatment, except as required by law;
- (3) engages in advertising or soliciting which, on its face or as applied, can reasonably be construed as deceiving the public; or
- (4) knowingly aids, assists, procures, or advises an unlicensed person to practice contrary to IC 25-10-1 or this title.

(h) A chiropractor has a duty and responsibility to his or her patients and to the chiropractic profession to promptly release a patient's records to any other chiropractor or any other health discipline practitioner designated by the patient upon written request of the patient.

(i) A practitioner may advertise his or her professional services in order to advise the public of the existence and scope of the services he or she offers, so long as the advertisement is dignified and confines itself to the existence of the practice and/or the field of practice of the practitioner.

(j) For the purposes of IC 25-1-9-6.5 and this rule, advertisements include the use of television, newspaper, radio, billboards, yellow pages, seminars, handbills, mailings, or other similar advertisements to the public. (*Board of Chiropractic Examiners; 846 IAC 1-3-2; filed Jul 28, 1983, 9:03 a.m.: 6 IR 1741; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

846 IAC 1-3-3 Standards for competent practice

Authority: IC 25-10-1-1.5; IC 25-10-1-6.5

Affected: IC 25-10-1-1

Sec. 3. A practitioner, in the conduct of his chiropractic practice, shall abide by the following standards of competent practice:

- (1) The practitioner shall keep in confidence whatever he may learn about a patient in the discharge of professional duties. Information shall be divulged by the practitioner only when required by law or when authorized by the patient.
- (2) The practitioner shall give a candid account of the patient's condition to the patient or to those responsible for the patient's care.
- (3) The practitioner shall give due notice to a patient or to those responsible for the patient's care when he withdraws from a case so that another practitioner may be engaged. The practitioner shall not abandon a patient.
- (4) A practitioner shall practice in accordance with the body of scientific systemized knowledge related to the healing arts.

(5) A practitioner shall not hold forth or indicate the possession of any degree recognized as the basis for licensure to practice the healing arts unless he is actually licensed on the basis of that degree in the state in which he practices.

(6) A practitioner shall obtain consultation whenever requested to do so by a patient. Further, the practitioner shall refer the patient to another practitioner in any case where the practitioner does not consider himself qualified to treat the patient or is unable to diagnose the illness or disease of the patient.

(7) Any practitioner who knows of the illegal, incompetent or unethical conduct in the practice of chiropractic of another practitioner shall report such conduct to the proper authorities and/or tribunals. Further, any practitioner who has knowledge of any person engaging in the unauthorized practice of chiropractic shall report such conduct to the proper authorities and/or tribunals.

(8) Any fee charged by a practitioner for his professional services shall be reasonable and shall compensate the practitioner only for services actually rendered.

(9) A practitioner shall not pay or receive compensation for referral of a patient.

(10) A practitioner shall be fully responsible and accountable for the conduct of each and every person employed by the practitioner for every action (or failure to act) by said employee or employees in the course of said employee's (employees') relationship with said practitioner. Provided however, a practitioner shall not be responsible for the actions of persons he may employ whose employment by the practitioner does not relate directly to the practitioner's practice of chiropractic.

(11) A practitioner may (whenever he believes it to be beneficial to the patient) send (or refer) a patient to another qualified health practitioner for treatment or health services which fall within the other health practitioner's scope of practice. Prior to any such referral, however, the practitioner shall examine the patient to insure that a condition does exist in the patient that is within the scope of practice of the other health practitioner to whom the patient is referred.

(12) A practitioner shall not charge a separate and distinct fee for the incidental, administrative, non-chiropractic [*sic.*] service of securing admission of a patient to a health care facility.

(13) The practitioner shall upon retirement, discontinuation of his chiropractic practice, or moving from a community, notify all patients upon his active list that he intends to discontinue his practice in the community and encourage such patients to seek the services of some other practitioner. The practitioner discontinuing his practice shall make arrangements with the patient for the transfer of his records (or copies thereof) to the succeeding practitioner.

(14) A practitioner shall not base his fee upon the uncertain outcome of a contingency, whether such contingency be the outcome of litigation or any other occurrence or condition which may or may not develop, occur or happen.

(15) In the conduct of the practice of chiropractic a chiropractor may perform any service that is not beyond the scope of practice set out in 846 IAC 1-3-1.

(16) In the conduct of the practice of chiropractic no chiropractor shall violate any of the provisions of the code of professional conduct set out in 846 IAC 1-3-2.

(Board of Chiropractic Examiners; 846 IAC 1-3-3; filed Jul 28, 1983, 9:03 am: 6 IR 1742; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)

846 IAC 1-3-4 Disciplinary sanctions (*Repealed*)

Sec. 4. (Repealed by Board of Chiropractic Examiners; filed Jul 11, 1996, 8:55 a.m.: 19 IR 3470)

Rule 4. Examinations; Licensure; Renewal of Licenses; Fees; Addresses of Licensees

846 IAC 1-4-1 Applications for licensure; requirements; fees; opportunity for hearing (*Repealed*)

846 IAC 1-4-2 Examination for licensure (*Repealed*)

846 IAC 1-4-3 Licensure by reciprocity or endorsement (*Repealed*)

846 IAC 1-4-4 Renewal of license (*Repealed*)

846 IAC 1-4-5 Addresses of licensees

846 IAC 1-4-6 Loss, destruction, or theft of license; change of name

846 IAC 1-4-7 Fees

846 IAC 1-4-1 Applications for licensure; requirements; fees; opportunity for hearing (*Repealed*)

Sec. 1. (Repealed by Board of Chiropractic Examiners; filed May 20, 1988, 9:25 am: 11 IR 3564)

846 IAC 1-4-2 Examination for licensure (*Repealed*)

Sec. 2. *(Repealed by Board of Chiropractic Examiners; filed May 20, 1988, 9:25 am: 11 IR 3564)*

846 IAC 1-4-3 Licensure by reciprocity or endorsement *(Repealed)*

Sec. 3. *(Repealed by Board of Chiropractic Examiners; filed Feb 9, 1988, 2:24 pm: 11 IR 1808)*

846 IAC 1-4-4 Renewal of license *(Repealed)*

Sec. 4. *(Repealed by Board of Chiropractic Examiners; filed May 31, 1988, 2:40 pm: 11 IR 3564)*

846 IAC 1-4-5 Addresses of licensees

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-2; IC 25-10-1-6

Sec. 5. Every licensee practicing in Indiana shall inform the board of the addresses where he/she is practicing no later than two (2) weeks after beginning to practice and shall inform the board of any change of addresses or removals from a place of practice. A licensee's failure to receive notification of license renewal due to his/her failing to advise the board of a change of address shall not constitute an error on the part of the board, nor shall it exonerate the licensee from making such renewal as set forth in IC 25-10-1-6 and 846 IAC 1-4-4 [846 IAC 1-4-4 was repealed filed May 31, 1988, 2:40 p.m.: 11 IR 3564]. *(Board of Chiropractic Examiners; 846 IAC 1-4-5; filed Jul 28, 1983, 9:03 am: 6 IR 1745; filed Apr 12, 1984, 8:30 am: 7 IR 1537; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)*

846 IAC 1-4-6 Loss, destruction, or theft of license; change of name

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-6

Sec. 6. (a) The licensee shall report to the board, on the form supplied by the board, the loss, destruction or theft of the original certificate of licensure or the biennial renewal pocket card, and pay a fee of ten dollars (\$10) for a duplicate.

(b) If a change of name is requested, the licensee shall submit a notarized copy of a marriage license, divorce decree or court order to the board. Upon receipt of the documentation of the name change, and payment of the ten dollar (\$10) fee, the board shall issue a new certificate and biennial renewal pocket card. *(Board of Chiropractic Examiners; 846 IAC 1-4-6; filed Apr 12, 1984, 8:30 am: 7 IR 1537; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)*

846 IAC 1-4-7 Fees

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-6

Sec. 7. The following fees shall apply to all licensed chiropractors and applicants for licensure:

Examination/issuance	\$100
License renewal (July 1 of each even-numbered year)	\$100
Inactive license renewal (July 1 of each even-numbered year)	\$50
Endorsement issuance	\$100
Verification of licensure	\$10
Duplicate wall license	\$10
Reinstatement of inactive license	\$15
Temporary permit	\$50

(Board of Chiropractic Examiners; 846 IAC 1-4-7; filed Dec 2, 1987, 9:30 a.m.: 11 IR 1292; filed Nov 15, 1990, 11:15 a.m.: 14 IR 755; filed May 20, 1996, 3:00 p.m.: 19 IR 2880; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2390; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1325)

Rule 5. Application for License by Examination

- 846 IAC 1-5-1 Application for a license by examination
- 846 IAC 1-5-2 Examination *(Repealed)*
- 846 IAC 1-5-3 Passing score *(Repealed)*
- 846 IAC 1-5-4 Fees *(Repealed)*
- 846 IAC 1-5-5 Personal appearance

846 IAC 1-5-1 Application for a license by examination

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-2

Sec. 1. (a) An application for a license by examination shall be filed on a form prescribed by the board and provided by the health professions bureau.

(b) Each applicant shall submit the following information:

(1) Official transcripts, certified by the school or college, recording completion of at least two (2) years (sixty (60) semester hours) of prechiropractic education as specified by IC 25-10-1-2(b). As used in this subsection, "prechiropractic education" means education that has been completed prior to the applicant's matriculation in a school or college of chiropractic defined under IC 25-10-1-2(a). Prechiropractic education that has been completed in whole or in part after the date of matriculation in chiropractic school will not be accepted by the board to fulfill requirements of IC 25-10-1-2(b).

(2) Official transcripts, certified by the school or college, recording courses, grades, and degree earned in a school or college of chiropractic accredited under provisions of IC 25-10-1-2(a).

(3) Official score report from the National Board of Chiropractic Examiners (NBCE), with passing scores in Parts I through IV and physiotherapy.

(4) One (1) passport-quality photograph taken not earlier than one (1) year prior to the date of application.

(5) The fee specified by 846 IAC 1-4-7.

(c) All required documents submitted by an applicant must be in English. Documents that are not in English must include an official translation. As used in this subsection, "official translation" means only those translations completed by the consulate or embassy of the country in which the prechiropractic school or chiropractic school is located.

(d) An applicant for licensure by examination must pass a written examination in chiropractic jurisprudence. A score of seventy-five (75) or above is passing. (*Board of Chiropractic Examiners; 846 IAC 1-5-1; filed Mar 8, 1989, 10:00 a.m.: 12 IR 1554; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2390; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

846 IAC 1-5-2 Examination (Repealed)

Sec. 2. (*Repealed by Board of Chiropractic Examiners; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2391*)

846 IAC 1-5-3 Passing score (Repealed)

Sec. 3. (*Repealed by Board of Chiropractic Examiners; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2391*)

846 IAC 1-5-4 Fees (Repealed)

Sec. 4. (*Repealed by Board of Chiropractic Examiners; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2391*)

846 IAC 1-5-5 Personal appearance

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-2

Sec. 5. (a) The board may require the applicant to make a personal appearance before the board or a member of the board prior to issuing a license by examination.

(b) If the applicant appears before a member of the board, the member of the board shall make a finding of the appearance and recommend the approval or disapproval of the issuance of a license by examination. The board shall, at its next meeting, review said findings, make such further inquiry as it sees fits, and take such action as required. (*Board of Chiropractic Examiners; 846 IAC 1-5-5; filed Oct 28, 1998, 3:29 p.m.: 22 IR 758; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

Rule 6. Application for License by Endorsement

846 IAC 1-6-1 Application

846 IAC 1-6-2 Personal appearance

846 IAC 1-6-1 Application

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-2; IC 25-10-1-5

Sec. 1. (a) An application for a license by endorsement shall be filed on a form prescribed by the board of chiropractic examiners and provided by the health professions bureau.

(b) Each applicant for a license by endorsement shall submit the following information:

(1) Official transcripts, certified by the school or college, recording completion of at least two (2) years (sixty (60) semester hours) of prechiropractic education as specified by IC 25-10-1-2(b). As used in this subdivision, "prechiropractic education" means education that has been completed prior to the applicant's matriculation in a school or college of chiropractic as defined under IC 25-10-1-2(a). Prechiropractic education that has been completed in whole or in part after the date of matriculation in chiropractic school will not be accepted by the board to fulfill requirements of IC 25-10-1-2(b).

(2) Official transcripts, certified by the school or college, recording courses, grades, and degree earned in a school or college of chiropractic accredited under IC 25-10-1-2(a).

(3) Official score report from the National Board of Chiropractic Examiners (NBCE), with passing scores in Parts I through IV and physiotherapy. An applicant who takes the NBCE examinations prior to September 11, 1987, is not required to submit Part III scores of the NBCE.

(4) One (1) passport-quality photograph taken not earlier than one (1) year prior to the date of application.

(5) A statement from the appropriate agency in each state where the applicant has been licensed, certifying whether or not disciplinary proceedings have ever been initiated or are presently pending against the applicant.

(6) If the applicant has not taken and passed Part IV of the NBCE examination, the applicant may submit a certification from the appropriate agency in a state where the applicant holds an active license that the applicant has passed an oral-practical examination, which is equivalent to Part IV of the NBCE examination.

(7) Satisfactory evidence to the board of chiropractic examiners that the applicant has been licensed to practice chiropractic in another state for at least three (3) years under qualifications substantially equivalent to those specified in IC 25-10-1.

(8) The fee specified by 846 IAC 1-4-7.

(b) All required documents submitted by an applicant must be in English. Documents that are not in English must include an official translation. As used in this subsection, "official translation" means only those translations completed by the consulate or embassy of the country in which the prechiropractic school or chiropractic school is located.

(c) An applicant for licensure by endorsement must pass a written examination in chiropractic jurisprudence. A score of seventy-five (75) or above is passing. (*Board of Chiropractic Examiners; 846 IAC 1-6-1; filed Feb 9, 1988, 2:24 p.m.: 11 IR 1808; filed Jan 27, 1994, 5:00 p.m.: 17 IR 1095; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2390; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

846 IAC 1-6-2 Personal appearance

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-2; IC 25-10-1-5

Sec. 2. (a) The board may require the applicant to make a personal appearance before the board or a member of the board prior to issuing a license by endorsement.

(b) If the applicant appears before a member of the board, the member of the board shall make a finding of the appearance and recommend the approval or disapproval of the issuance of a license by endorsement. The board shall, at its next meeting, review said findings, make such further inquiry as it sees fits, and take such action as required. (*Board of Chiropractic Examiners; 846 IAC 1-6-2; filed Oct 28, 1998, 3:29 p.m.: 22 IR 758; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

Rule 7. X-Ray Utilization

846 IAC 1-7-1 Use of x-rays

846 IAC 1-7-2 Violations

846 IAC 1-7-1 Use of x-rays

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-1.5

Sec. 1. A chiropractor shall not overutilize or otherwise improperly use ionizing radiation. In order to avoid overutilization of ionizing radiation, a chiropractor shall observe the following guidelines:

Any offer or advertising of free x-rays to actual or potential patients shall be accompanied by a conspicuous statement that reads "to avoid needless health hazards associated with ionizing radiation, no such free x-ray will be given unless there is a prior observable clinical need for it." (*Board of Chiropractic Examiners; 846 IAC 1-7-1; filed Apr 22, 1988, 2:10 pm: 11 IR 3044; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

846 IAC 1-7-2 Violations

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-6.5

Sec. 2. Violation of 846 IAC 1-7-1 constitutes the incompetent practice of chiropractic and is grounds for disciplinary action as provided by IC 25-10-1-6.5. (*Board of Chiropractic Examiners; 846 IAC 1-7-2; filed Apr 22, 1988, 2:10 pm: 11 IR 3044; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

Rule 8. Continuing Education for Renewal of License

846 IAC 1-8-1 Continuing education requirements

846 IAC 1-8-2 Licensee responsibilities

846 IAC 1-8-3 Application for approval

846 IAC 1-8-4 Standards for approval

846 IAC 1-8-5 Penalty for noncompliance

846 IAC 1-8-1 Continuing education requirements

Authority: IC 25-10-1-1.5

Affected: IC 25-1-9; IC 25-10-1-6

Sec. 1. (a) Twenty-four (24) hours of continuing education obtained by attending seminars approved by the board are required for license renewal. Seminars which have not been approved under this rule will not be accepted as credit for license renewal.

(b) A licensee is not required to complete continuing education requirements for the year in which the initial license is issued.

(c) Continuing education credit units or clock hours must be obtained within the current biennial renewal period and may not be carried over from one (1) licensure period to another. However, a maximum of twelve (12) hours may be obtained within each licensure year.

(d) Continuing education credit units or clock hours must include four (4) hours per year in public health and/or risk management.

(e) Risk management is defined as the chiropractor's legal responsibility to his or her patient as provided by 846 IAC 1-3-3 and IC 25-1-9. (*Board of Chiropractic Examiners; 846 IAC 1-8-1; filed May 31, 1988, 2:40 p.m.: 11 IR 3563; filed Jun 1, 1992, 5:00 p.m.: 15 IR 2244; filed Oct 31, 1994, 2:00 p.m.: 18 IR 879; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

846 IAC 1-8-2 Licensee responsibilities

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-6

Sec. 2. (a) A licensee must report continuing education required by 846 IAC 1-8 at the time of license renewal on a form provided by the health professions bureau.

(b) A licensee must retain a record of completion of continuing education required by 846 IAC 1-8 for four (4) years.

(c) A licensee must present verification of completion of continuing education required by 846 IAC 1-8 upon request by the board. (*Board of Chiropractic Examiners; 846 IAC 1-8-2; filed May 31, 1988, 2:40 pm: 11 IR 3563; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

846 IAC 1-8-3 Application for approval

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-6

Sec. 3. (a) The sponsor must file an application provided by the bureau sixty (60) days prior to the date the program is given. The application shall include the following information:

(1) Name of lecturer.

(2) Academic and professional background of lecturer.

(3) Brief summary of content of program.

- (4) Date and location of program.
- (5) Number of clock hours of continuing education requested.
- (6) Any other pertinent information required by the board.
- (b) As a condition to approval of programs, the sponsor must agree to provide participants with a record of attendance and to retain records of attendance by participants for four (4) years from the date of the program. *(Board of Chiropractic Examiners; 846 IAC 1-8-3; filed May 31, 1988, 2:40 pm: 11 IR 3563; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)*

846 IAC 1-8-4 Standards for approval

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-6

Sec. 4. (a) As provided by IC 25-10-1-6, seminars must be sponsored by a college of chiropractic or an established chiropractic organization. Seminars which do not meet the requirement of this subsection will not be approved as credit for license renewal.

(b) The board will approve a course if it determines that the course will make a significant contribution to the professional competency of chiropractors who enroll. In determining if a course meets this standard, the board will consider whether:

- (1) The course has substantial content.
- (2) The course content directly relates to the professional practice of chiropractic. Practice management courses will not be approved by the board.
- (3) Each lecturer who has teaching responsibility in the course is qualified by academic work or practical experience to teach the assigned subject.
- (4) The course is of sufficient length to provide a substantial educational experience. Courses of less than one (1) hour will be reviewed carefully to determine if they furnish a substantial educational experience.

(Board of Chiropractic Examiners; 846 IAC 1-8-4; filed May 31, 1988, 2:40 pm: 11 IR 3563; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)

846 IAC 1-8-5 Penalty for noncompliance

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-6

Sec. 5. The board will not renew a license of a licensee who fails to comply with 846 IAC 1-8, except for an inactive license. *(Board of Chiropractic Examiners; 846 IAC 1-8-5; filed May 31, 1988, 2:40 pm: 11 IR 3563; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)*

Rule 9. Temporary Permits

- 846 IAC 1-9-1 Temporary permits
- 846 IAC 1-9-2 Temporary permit; licensed in another state

846 IAC 1-9-1 Temporary permits

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-2; IC 25-10-1-5.5

Sec. 1. (a) The board may issue a temporary permit under IC 25-10-1-5.5 if the applicant submits the following:

- (1) An application to take the first examination given by the board after the applicant's graduation from an accredited chiropractic school or college provided by IC 25-10-1-2(a).
- (2) All information required by 846 IAC 1-5-1.
- (3) Certification of graduation from the accredited school or college of chiropractic provided by IC 25-10-1-2(a).
- (4) Fee provided by 846 IAC 1-4-7.

(b) An application for a temporary permit shall include the following information to be submitted by the supervisor:

- (1) The location of practice.
- (2) The name and license number of the supervisor.
- (c) A supervisor shall hold an Indiana chiropractic license which is current and in good standing.
- (d) A chiropractor shall supervise no more than one (1) holder of a temporary permit at any given time.

(e) A supervising chiropractor shall be exclusively responsible for the direct supervision of a holder of a temporary permit.

(f) A holder of a temporary permit shall not provide an independent diagnosis of a patient. (*Board of Chiropractic Examiners; 846 IAC 1-9-1; filed Nov 15, 1990, 11:15 a.m.: 14 IR 755; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

846 IAC 1-9-2 Temporary permit; licensed in another state

Authority: IC 25-10-1-5.6

Affected: IC 25-10-1-5.6

Sec. 2. (a) A person licensed to practice chiropractic by a board or licensing agency of another state or jurisdiction may apply for a temporary permit under IC 25-10-1-5.6 by submitting an application approved by the board and provided by the bureau, including the following information:

(1) The purpose for applying for a temporary permit.

(2) The location where chiropractic services will be provided by the applicant.

(3) The activity, organization, function, and event with regard to which the chiropractic services will be provided by the applicant.

(4) The applicant's practice address and telephone number.

(5) One (1) recent passport-quality photograph of the applicant, taken within eight (8) weeks prior to filing the application for a temporary permit.

(6) Verification that the applicant is a graduate of a school or college of chiropractic accredited by the Accreditation Commission of the Council on Chiropractic Education (CCE).

(7) Verification from other states where the applicant is licensed stating that the applicant's license is current and in good standing and is not or has not been the subject of disciplinary action.

(8) Application fee provided by 846 IAC 1-4-7.

(b) A temporary permit issued under this section shall be limited to a specific activity, function, series of events, or purpose and to a specific geographical area within the state, which limitations shall be stated on the face of the temporary permit. (*Board of Chiropractic Examiners; 846 IAC 1-9-2; filed Jun 1, 1992, 5:00 p.m.: 15 IR 2245; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

Rule 10. Graduate Students

846 IAC 1-10-1 Definitions

846 IAC 1-10-2 Applications

846 IAC 1-10-3 Duties of graduate students

846 IAC 1-10-4 Duties of supervisors

846 IAC 1-10-1 Definitions

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-2; IC 25-10-1-14

Sec. 1. For the purposes of this rule, the following definitions apply:

(1) "Graduate student" means a student in the final year of course work at a chiropractic school or college provided by IC 25-10-1-2(a).

(2) "Supervisor" means a chiropractor licensed under IC 25-10 who will act as the direct supervisor and overseer of the educational process for the graduate student.

(*Board of Chiropractic Examiners; 846 IAC 1-10-1; filed Nov 15, 1990, 11:15 a.m.: 14 IR 756; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

846 IAC 1-10-2 Applications

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-14

Sec. 2. A graduate student shall submit the following information:

(1) Certification from the school that the applicant is enrolled in the final year of course work.

(2) An application approved by the board and provided by the bureau, including, but not limited to, the following information:

(A) The location of practice of the supervisor.

(B) The proposed dates of practice by the graduate student.

(C) The name and license number of the supervisor.

(*Board of Chiropractic Examiners; 846 IAC 1-10-2; filed Nov 15, 1990, 11:15 a.m.: 14 IR 756; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236*)

846 IAC 1-10-3 Duties of graduate students

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-14

Sec. 3. (a) A graduate student shall not provide an independent diagnosis of a patient.

(b) A graduate student shall maintain a log of chiropractic procedures that shall be reviewed daily by the supervisor and shall be available for review by the board at the board's request. *(Board of Chiropractic Examiners; 846 IAC 1-10-3; filed Nov 15, 1990, 11:15 a.m.: 14 IR 756; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)*

846 IAC 1-10-4 Duties of supervisors

Authority: IC 25-10-1-1.5

Affected: IC 25-10-1-14

Sec. 4. (a) The supervisor of a graduate student shall hold an Indiana chiropractic license which is current and in good standing.

(b) A supervisor shall supervise no more than one (1) graduate student at any given time.

(c) The supervisor shall develop a training schedule in coordination with the school or college of chiropractic that will be followed by the graduate student throughout the educational process.

(d) Chiropractors who supervise graduate students shall be exclusively responsible for the direct supervision of the graduate students.

(e) Upon successful completion of the educational program, the supervisor shall provide the board with a letter stating that the graduate student has completed a program from beginning date to ending date. *(Board of Chiropractic Examiners; 846 IAC 1-10-4; filed Nov 15, 1990, 11:15 a.m.: 14 IR 756; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236)*

IC 25-1-9

Chapter 9. Health Professions Standards of Practice

IC 25-1-9-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27-1).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).

As added by P.L.152-1988, SEC.1. Amended by P.L.242-1989, SEC.7; P.L.238-1989, SEC.7; P.L.186-1990, SEC.7; P.L.48-1991, SEC.20; P.L.227-1993, SEC.7; P.L.33-1993, SEC.14; P.L.213-1993, SEC.4; P.L.1-1994, SEC.122; P.L.124-1994, SEC.6; P.L.175-1997, SEC.6; P.L.147-1997, SEC.10; P.L.84-1998, SEC.5; P.L.24-1999, SEC.6.

IC 25-1-9-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question, including a certificate of registration issued under IC 25-20.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-3.5 "Sexual contact" defined

Sec. 3.5. As used in this chapter, "sexual contact" means:

- (1) sexual intercourse (as defined in IC 35-41-1-26);
- (2) deviate sexual conduct (as defined in IC 35-41-1-9); or
- (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

As added by P.L.200-2001, SEC.1.

IC 25-1-9-4 Standards of professional practice; findings required for sanctions; evidence of foreign discipline

Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to

practice;

- (B) engaged in fraud or material deception in the course of professional services or activities; or
 - (C) advertised services in a false or misleading manner;
 - (2) a practitioner has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
 - (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
 - (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence that:
 - (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
 - (ii) does not include activities performed under IC 16-21-2-9;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
 - (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
 - (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;
 - (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any other state or jurisdiction on grounds similar to those under this chapter;
 - (8) a practitioner has diverted:
 - (A) a legend drug (as defined in IC 16-18-2-199); or
 - (B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;
 - (9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;
 - (10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;
 - (11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care; or
 - (12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization.
- (b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).
 - (c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).
- As added by P.L.152-1988, SEC.1. Amended by P.L.2-1993, SEC.136; P.L.149-1997, SEC.7; P.L.22-1999, SEC.4; P.L.200-2001, SEC.2; P.L.203-2001, SEC.3; P.L.1-2002, SEC.96.*

IC 25-1-9-5 Optometry employment practice

Sec. 5. In addition to section 4 of this chapter, a practitioner licensed to practice optometry is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has accepted employment to practice optometry from a person other than:

- (1) a corporation formed by an optometrist under IC 23-1.5; or
- (2) an individual who is licensed as an optometrist under this article and whose legal residence is in Indiana.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-6 Veterinary practitioners; cruelty to animals

Sec. 6. In addition to section 4 of this chapter, a practitioner licensed to practice veterinary medicine or registered as a veterinary technician is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has engaged in cruelty to animals.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-6.5 Chiropractors; waiver of deductible or copayment

Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is

subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

(1) waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and

(2) advertised the waiver of a payment described in subdivision (1).

(b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:

(1) the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;

(2) the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and

(3) the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.

As added by P.L.151-1989, SEC.9.

IC 25-1-9-6.7 Marriage and family therapists; disciplinary sanctions

Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23.6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

(1) performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;

(2) failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;

(3) performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;

(4) without the consent of the child's parent, guardian, or custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:

(A) the child's physical health was endangered due to injury as a result of the act or omission of the child's parent, guardian, or custodian;

(B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or

(C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;

(5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:

(A) make or file a false report or record; or

(B) impede or obstruct the filing of a report or record; or

(6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));

(7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;

(8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or

(9) performed services outside of the scope of practice of the license issued under IC 25-23.6.

As added by P.L.147-1997, SEC.11. Amended by P.L.2-1998, SEC.65.

IC 25-1-9-6.8 Practitioner guidelines before prescribing stimulant medication for a child for treatment of certain disorders

Sec. 6.8. (a) This section applies to a practitioner who is:

(1) licensed to practice medicine or osteopathic medicine under IC 25-22.5; or

(2) an advanced practice nurse granted prescriptive authority under IC 25-23, and whose practice agreement with a collaborating physician reflects the conditions specified in subsection (b).

(b) Before prescribing a stimulant medication for a child for the treatment of attention deficit disorder or attention deficit hyperactivity disorder, a practitioner described in subsection (a) shall follow the most recent guidelines adopted by the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry for the diagnosis and evaluation of a child with attention deficit disorder or attention deficit hyperactivity disorder.

As added by P.L.107-2002, SEC.28.

IC 25-1-9-6.9 Failing to provide or providing false information to agency

Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) failed to provide information requested by the Indiana professional licensing agency; or
- (2) knowingly provided false information to the Indiana professional licensing agency;

for a provider profile required under IC 25-1-5-10.

As added by P.L.211-2001, SEC.2. Amended by P.L.206-2005, SEC.14.

IC 25-1-9-7 Physical or mental examination; power to require

Sec. 7. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's own expense, if the practitioner's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.2.

IC 25-1-9-8 Failure to submit to physical or mental examination; sanctions

Sec. 8. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 10 of this chapter.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-9 Disciplinary sanctions

Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;
 - (C) continue or renew professional education under a preceptor, or as otherwise directed or

approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.

(b) The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.

As added by P.L.152-1988, SEC.1. Amended by P.L.48-1991, SEC.21; P.L.22-1999, SEC.5; P.L.32-2000, SEC.10; P.L.211-2001, SEC.3.

IC 25-1-9-10 Summary license suspension pending final adjudication; notice; opportunity to be heard

Sec. 10. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under IC 15-5-1.1, IC 25-22.5 or IC 25-14, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary

suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

(c) After a reasonable attempt is made to notify a practitioner under subsection (b):

(1) a court may not stay or vacate a summary suspension of a practitioner's license for the sole reason that the practitioner was not notified; and

(2) the practitioner may not petition the board for a delay of the summary suspension proceedings.

As added by P.L.152-1988, SEC.1. Amended by P.L.43-1995, SEC.2; P.L.71-2000, SEC.18.

IC 25-1-9-10.1 Retention of clinical consultants and experts to advise on suspension

Sec. 10.1. The attorney general may retain the services of a clinical consultant or an expert to provide the attorney general with advice concerning the acts that are the subject of a suspension under this chapter.

As added by P.L.43-1995, SEC.3.

IC 25-1-9-11 Reinstatement of suspended licenses

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-12 Reinstatement of revoked license

Sec. 12. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-13 Consistency of sanctions prescribed

Sec. 13. The board shall seek to achieve consistency in the application of the sanctions authorized in this section. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-14 Surrender of practitioners license instead of hearing; approval

Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-15 Costs in disciplinary proceedings

Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photoduplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.

As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.3.

IC 25-1-9-16 Refusal of licensure or grant of probationary license

Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has been disciplined by a licensing entity of another state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to those areas prescribed by the board.

(3) Continue or renew professional education.

(4) Engage in community restitution or service without compensation for a number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(c) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L.33-1993, SEC.15. Amended by P.L.32-2000, SEC.11.

IC 25-1-9-17 Applicant appearance before board or controlled substances advisory committee

Sec. 17. The board and the controlled substances advisory committee (IC 35-48-2-1) may require an applicant for licensure to appear before the board or committee before issuing a license.

As added by P.L.33-1993, SEC.16.

IC 25-1-9-18 Fitness determination of health care provider; filing complaint

Sec. 18. (a) If the insurance commissioner forwards to the board the name of a practitioner under IC 34-18-9-4(a) (or IC 27-12-9-4(a) before its repeal), the board shall consider whether:

(1) the practitioner has become unfit to practice under section 4 of this chapter; and

(2) a complaint should be filed under IC 25-1-7-4.

(b) If the board determines that a complaint should be filed under subsection (a), the board must report to the consumer protection division whether the board will schedule the matter:

(1) for informal negotiation under IC 25-1-7-6;

(2) on the board's agenda for a vote requesting that the attorney general prosecute the matter before the board under IC 25-1-7-7; or

(3) on the board's agenda for a vote on summary suspension of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.

(c) A board may designate a board member or staff member to act on behalf of the board under this section.

As added by P.L.43-1995, SEC.4. Amended by P.L.1-1998, SEC.131.

IC 25-1-9-19 Third party billing notice

Sec. 19. A practitioner that provides to a patient notice concerning a third party billing for a health care service provided to the patient shall ensure that the notice:

(1) conspicuously states that the notice is not a bill;

(2) does not include a tear-off portion; and

(3) is not accompanied by a return mailing envelope.

As added by P.L.178-2003, SEC.12.

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